

TO: <div style="text-align: center;"> Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450 or Commissioner of Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 </div>	<div style="font-size: 1.5em; font-weight: bold; margin-bottom: 10px;">SOLICITOR</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 10px;">OCT 12 2007</div> <div style="font-weight: bold;">U.S. PATENT & TRADEMARK OFFICE</div>
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REPORT ON THE
FILING OR DETERMINATION OF AN
ACTION REGARDING A PATENT OR
TRADEMARK

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Colorado on the following

DOCKET NO. 07-cv-02069-WYD-BNB	DATE FILED 10/3/2007	U.S. DISTRICT COURT FOR THE DISTRICT OF COLORADO
PLAINTIFF DRUSSEL WILFLEY DESIGN, LLC		DEFENDANT ALBERT J. YOUNGWERTH, ET AL.

PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 6,705,446		Please see copy of Complaint attached hereto
2 6,814,208		
3 7,014,026		
4 7,140,480		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY			
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading

PATENT OR	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK GREGORY C. LANGHAM	(BY) DEPUTY CLERK	DATE
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WHEREFORE, Plaintiff prays for the following relief:

A. An injunction preliminarily and permanently enjoining and restraining defendants, their officers, agents, subsidiaries, principals, successors-in-interest, those acting in concert with them, including their employees, from directly or indirectly infringing or inducing the infringement of the First Patent and the Subsequent Patents.

B. An order requiring the Defendants to account to Plaintiff for all the gains, profits and advantages realized from their infringement and unlawful use of the inventions patented in and described by the First Patent and the Subsequent Patents and in addition to said gains, profits and advantages to be so accounted, for the damages sustained by Plaintiff as a result of said infringement, but in no event less than a reasonable royalty for the use made of the invention of the First Patent and the Subsequent Patents.

C. A decree adjudging that the First Patent and the Subsequent Patents are good and valid and are owned by Plaintiff and have been infringed by the Defendants.

D. A decree that the infringement of the First Patent and the Subsequent Patents is willful, that damages assessed be trebled pursuant to 35 U.S.C. § 284 and reasonable attorneys fees to be awarded pursuant to 35 U.S.C. § 285.

E. That the Defendants pay the costs herein incurred by Plaintiff.

F. That prejudgment interest be awarded by the Court from the date suit was filed for any amounts of actual damages.

G. For such other and further relief as the circumstances of the case may require and that this Court may deem just.

JURY DEMAND

Pursuant to Rule 28(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial of all issues triable to a jury.

Date: October 3, 2007.

Respectfully submitted,

WELBORN SULLIVAN MECK & TOOLEY, P.C.

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FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2007 OCT -3 PM 3:10

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

BY B DEP. C

Case No. 07-CV-02069 WYD-BNB

DRUSSEL WILFLEY DESIGN, LLC.,
a Colorado corporation,

Plaintiff,

v. .

ALBERT J. YOUNGWERTH, an individual;
and REKLUSE MOTOR SPORTS, INC., a
Utah corporation, and EAGLE MOTOR WORKS, INC., a Colorado, corporation,

Defendants.

COMPLAINT (PATENT INFRINGEMENT) AND JURY DEMAND

Plaintiff, Drussel Wilfley Design, LLC. ("Drussel"), a Colorado corporation, for its Complaint against Albert J. Youngwerth, Rekluse Motor Sports, Inc., and Eagle Motor Works, Inc., states and alleges as follows.

I. PARTIES

1. Plaintiff is a corporation incorporated under the laws of the State of Colorado, having a place of business at 7350 East Progress Place, Denver, Colorado 80201.
2. Upon information and belief, Defendant Albert J. Youngwerth ("Youngwerth") is an individual who resides in Idaho. Upon information and belief, Youngwerth is a principal shareholder

and President of Rekluse Motor Sports, Inc., and designed and developed the products alleged to infringe one or more of the Plaintiff's patents hereinafter described.

3. Defendant Rekluse Motor Sports, Inc. ("Rekluse") is an entity which was formed under the laws of the State of Utah and which has a place of business at 4275 N. 36th Street, Boise, Idaho 83703 and which does business as Rekluse Motor Sports.

4. Eagle Motor Works, Inc. is an entity which was formed under the laws of the State of Colorado and has a place of business at 0851 Sawatch Road, Eagle, Colorado 81631 and which does business as Eagle Motor Works, Inc.

II. JURISDICTION AND VENUE

5. This Court has personal jurisdiction over defendants for the reason that Defendants transact business in the State of Colorado and have sold and continue to sell products which infringe the patent rights of the Plaintiff.

6. This is an action for an infringement of a United States Patent under 35 U.S.C. §§ 271, 282 and 285. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) and through the principles of agency.

7. Venue in this district is proper under 28 U.S.C. § 1391(c) and §1400(b).

III. GENERAL ALLEGATIONS

8. Plaintiff repeats and realleges each and every allegation of paragraphs of 1 through 7 as though fully set forth herein.

9. On or about June 7, 2001, Plaintiff filed a patent application, Serial No. 09/877,518 with the United States Patent and Trademark Office for AUTOMATIC CLUTCH WITH MANUAL OVERRIDE CONTROL MECHANISM. This application was filed in connection with a manual override for motorcycle clutches.

10. Prior to filing as set forth in paragraph 9 above, said patent application was assigned by the inventors, Douglas W. Drussel and G. Michael Wilfley, to Drussel Wilfley Design, LLC.

11. Thereafter, in due course, the Patent Office conducted proceedings related to the examination of said patent application and found said patent application in full compliance with all requirements of the law. On March 16, 2004, United States Patent No. 6,705,446 (hereinafter referred to as the "446 Patent") was lawfully issued to Plaintiff. A copy of the '446 Patent is appended and incorporated herein as Exhibit 1.

12. On or about December 20, 2002, Plaintiff filed a patent application, Serial No. 10/327,160 with the United States Patent and Trademark Office for MULTI-ROW CAM-ACTUATED CENTRIFUGAL CLUTCH. This application was filed in connection with a centrifugal clutch for motorcycles.

13. Prior to filing as set forth in paragraph 12 above, said patent application was assigned by the inventors, Douglas W. Drussel and G. Michael Wilfley, to Drussel Wilfley Design, LLC.

14. Thereafter, in due course, the Patent Office conducted proceedings related to the examination of said patent application and found said patent application in full compliance with all requirements of the law. On November 9, 2004, United States Patent No. 6,814,208 (hereinafter

referred to as the "208 Patent") was lawfully issued to Plaintiff. A copy of the '208 Patent is appended and incorporated herein as Exhibit 2.

15. On or about March 2, 2004, Plaintiff filed a patent application, Serial No. 10/791,949 with the United States Patent and Trademark Office for MANUAL/AUTOMATIC PRESSURE CONTROL MECHANISM FOR CENTRIFUGAL CLUTCH. This application was filed in connection with motorcycle clutches including a manual override.

16. Prior to filing as set forth in paragraph 15 above, said patent application was assigned by the inventors, Douglas W. Drussel and G. Michael Wilfley, to Drussel Wilfley Design, LLC.

17. Thereafter, in due course, the Patent Office conducted proceedings related to the examination of said patent application and found said patent application in full compliance with all requirements of the law. On March 21, 2006, United States Patent No. 7,014,026 (hereinafter referred to as the "'026 Patent") was lawfully issued to Plaintiff. A copy of the '026 Patent is appended and incorporated herein as Exhibit 3.

18. On or about June 8, 2004, Plaintiff filed a patent application, Serial No. 10/863,680 with the United States Patent and Trademark Office for CENTRIFUGAL CLUTCH AND COVER MOUNT ASSEMBLY THEREFOR. This application was filed in connection with a centrifugal clutch for motorcycles.

19. Prior to filing as set forth in paragraph 18 above, said patent application was assigned by the inventors, Douglas W. Drussel and G. Michael Wilfley, to Drussel Wilfley Design, LLC.

20. In due course, the Patent Office conducted proceedings related to the examination of said patent application and found said patent application in full compliance with all requirements of

the law. On November 28, 2006, United States Patent No. 7,140,480 (hereinafter referred to as the "480 Patent") was lawfully issued to Plaintiff. A copy of the '480 Patent is appended and incorporated herein as Exhibit 4.

21. The four patents identified above have not expired and are in full force and effect.

22. On or before May 24, 2007, the Plaintiff gave Defendants actual notice of the '446 Patent, '208 Patent, '026 Patent and '480 Patent by virtue of their letter dated 27 June, 2007. Upon information and belief, Defendants had prior knowledge of one or more of said patents. Patents '208, '026 and '480 shall be referred to hereinafter as the "Subsequent Patents."

FIRST CLAIM FOR RELIEF

(Infringement of the First Patent, U.S. Patent No. 6,705,446)

For its first cause of action against Defendants, the Plaintiff alleges as follows:

23. Paragraphs 1 through 22 are incorporated herein by reference.

24. Upon information and belief, each of the Defendants has infringed, induced, or contributed to the infringement of one or more claims of the First Patent by making, using, offering for sale or selling the Infringing Products under the terms and provisions of 35 U.S.C. § 271(a).

25. Despite having actual notice of the First Patent, Defendants continue to make, use or sell the Infringing Products, knowingly and willfully infringing the First Patent.

26. The defendants will derive and receive from the aforesaid infringement gains, profits and advantages, but in what amount Plaintiff is not presently informed and cannot set forth. Plaintiff, by reason of the aforesaid infringement, will be damaged and will be entitled to damages

adequate to compensate for the willful infringement of the Defendants, but in no event less than a reasonable royalty for the Defendants' use made of the First Patent as provided under the terms and provisions of 35 U.S.C. § 284.

SECOND CLAIM FOR RELIEF
(Infringement of the Second Patent, U.S. Patent No. 6,814,208)

For its second cause of action against Defendants, the Plaintiff alleges as follows:

27. Paragraphs 1 through 26 are incorporated herein by reference.

28. Upon information and belief, each of the Defendants has infringed, induced, or contributed to the infringement of one or more claims of the Second Patent by making, using, offering for sale or selling the Infringing Products under the terms and provisions of 35 U.S.C. § 271(a).

29. Despite having actual notice of the Second Patent, defendants continue to make, use or sell the Infringing Product, knowingly and willfully infringing the Second Patent.

30. The defendants will derive and receive from the aforesaid infringement gains, profits and advantages, but in what amount Plaintiff is not presently informed and cannot set forth. Plaintiff, by reason of the aforesaid infringement, will be damaged and will be entitled to damages adequate to compensate for the willful infringement of the Defendants, but in no event less than a reasonable royalty for the Defendants' use made of the Second Patent as provided under the terms and provisions of 35 U.S.C. § 284.

THIRD CLAIM FOR RELIEF

(Infringement of the Third Patent, U.S. Patent No. 7,014,026)

For its third cause of action against Defendants, the Plaintiff alleges as follows:

31. Paragraphs 1 through 30 are incorporated herein by reference.

32. Upon information and belief, each of the Defendants has infringed, induced, or contributed to the infringement of one or more claims of the Third Patent by making, using, offering for sale or selling the Infringing Products under the terms and provisions of 35 U.S.C. § 271(a).

33. Despite having actual notice of the Third Patent, Defendants continue to make, use or sell the Infringing Product, knowingly and willfully infringing the Third Patent.

34. The Defendants will derive and receive from the aforesaid infringement gains, profits and advantages, but in what amount Plaintiff is not presently informed and cannot set forth. Plaintiff, by reason of the aforesaid infringement, will be damaged and will be entitled to damages adequate to compensate for the willful infringement of the Defendants, but in no event less than a reasonable royalty for the Defendants' use made of the Third Patent as provided under the terms and provisions of 35 U.S.C. § 284.

FOURTH CLAIM FOR RELIEF

(Infringement of the Fourth Patent, U.S. Patent No. 7,140,480)

For its fourth cause of action against the Defendants, Plaintiff alleges as follows:

35. Paragraphs 1 through 34 are incorporated herein by this reference.

36. Upon information and belief, each of the Defendants has infringed, induced, or contributed to the infringement of one or more claims of the Fourth Patent by making, using, offering for sale or selling the Infringing Products under the terms and provisions of 35 U.S.C. § 271(a).

37. Despite having actual notice of the Fourth Patent, Defendants willfully continue to make, use or sell the Infringing Products.

38. The Defendants will derive and receive from the aforementioned infringement gains, profits and advantages, but in what amount Plaintiff is not informed and cannot set forth. Plaintiff, by reason of the aforesaid infringement, will be damaged and will be entitled to damages adequate to compensate for the willful infringement of the Defendants, but in no event less than a reasonable royalty for the use made of the Fourth Patent as provided under the terms and provisions of 35 U.S.C. § 284.

FIFTH CLAIM FOR RELIEF
(Injunctive Relief)

For its fifth cause of action against the Defendants, Plaintiff alleges as follows:

39. Paragraphs 1 through 38 are incorporated herein by this reference.

40. Defendants' actions leave Plaintiff without an adequate remedy at law for the infringement of the First Patent and the Subsequent Patents.

41. Plaintiff is entitled to preliminary and permanent injunctive relief under the terms and provisions of 35 U.S.C. § 283.